



THE ATTORNEY GENERAL OF TEXAS

GROVER SELLERS

AUSTIN 11, TEXAS

~~ATTORNEY GENERAL~~

Honorable D. W. Burkhalter
County Attorney
Throckmorton County
Throckmorton, Texas

Dear Sir:

Opinion No. O-5874

Re: Authority of Commissioners' Court
to pay for special election in order
that voters may decide whether
county should employ trapper, etc.

Your request for our opinion in the above captioned matter has been received, and we quote from your letter as follows:

"The Commissioners' Court of this county has ordered an election to be held on the 15th day of April, 1944, to determine whether or not the voters of the county desire the commissioners' court to employ trappers to trap predatory animals in this county.

"And the question has arisen among some of the commissioners as to whether or not they are authorized, or have the authority, to pay for the holding of such an election, out of the General Funds of the county; and

"Also whether or not, in the event the election should carry, or be in favor of employing such trappers, whether or not they would be authorized or have the authority to employ such trappers, and pay them out of the General Funds of the county."

After a careful study of the statutes, we find no provisions authorizing the commissioners' court of Throckmorton County to call a special election in order that the voters may decide whether the county shall employ a trapper to trap predatory animals in said county. Since the commissioners' court does not have authority to call the above described election, it must necessarily follow that said body does not have the authority to pay for such an election.

We are enclosing a copy of Opinion No. O-2709 written by this department which we feel fully covers the powers of a commissioners' court to employ and pay a county trapper for his services.

Very truly yours,

ATTORNEY GENERAL OF TEXAS

By /s/ J. C. Davis, Jr.
Assistant

JCD:db:egw

Enclosure

APPROVED MAR 27, 1944

/s/ Geo. P. Blackburn

(Acting) ATTORNEY GENERAL OF TEXAS